

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DURWARD O'NEAL BRISKEY,

Plaintiff,

v.

CRAIG DAVIDSON, et al.,

Defendants.

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CIVIL ACTION NO. 3:05-CV-726-F

ORDER

On August 3, 2005, the plaintiff filed a complaint in which makes only the conclusory allegation that the defendants violated his constitutional rights through "racial discrimination." *Plaintiff's Complaint* at 2. Thus, the complaint fails to identify factual allegations material to the count lodged against the defendants. This type of pleading fails to comply with the pleading requirements contained in the Federal Rules of Civil Procedure. *See Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001); *Anderson v. Dist. Bd. of Tr.*, 77 F.3d 364-366-67 (11th Cir. 1996). "[D]istrict Courts confronted by such complaints have the inherent authority to demand repleader sua sponte. *See Johnson Enters. of Jacksonville, Inc. v. FPL Group, Inc.*, 162 F.3d 1290, 1332 n.94 (11th Cir. 1998); *Fikes v. City of Daphne*, 79 F.3d 1079, 1083 n.6 (11th Cir. 1996)." *Magluta*, 256 F.3d at 1284 n.3. In light of the foregoing, it is

ORDERED that on or before August 19, 2005 the plaintiff shall file an amendment to his complaint which:

1. Presents specific facts in support of his claim that the defendants subjected him to racial discrimination.

2. Describes how each named defendant acted in violation of his right to equal protection.

3. States the precise relief he seeks from this court.

The plaintiff is hereby advised that the amendment to the complaint must set forth short and plain statements showing why the plaintiff is entitled to relief. Each allegation in the pleading should be simple, concise and direct. *See Rule 8, Federal Rules of Civil Procedure.*

The plaintiff is cautioned that if he fails to comply with the directives of this order the Magistrate Judge will recommend that this case be dismissed.

DONE, this 9th day of August, 2005.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE